

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TIMOTHY P. HARRIS, *et al.*,

Plaintiff,

v.

AMERICAN GENERAL FINANCIAL
SERVICES, LLC,

Defendant.

2:10-cv-01662-GMN -VCF

O R D E R

Before the court is defendant's Motion To Stay Discovery Pending Resolution of Motion To Dismiss Amended Complaint. (#32).

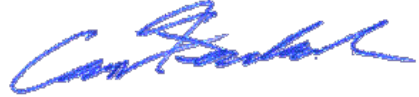
Plaintiff Timothy P. Harris filed his complaint on September 27, 2010. (#1). Defendant filed a motion to dismiss the complaint (#6) on October 20, 2010. As the motion was pending, defendant filed a motion to stay discovery. (#12). The court granted the motion to stay, and held that all discovery would be stayed pending further order of the court. (#17). The court stated that discovery was not necessary to resolve the pending motion to dismiss (#6), and that a stay would not prejudice any party. *Id.* Plaintiff filed a motion to vacate the order and lift the stay (#20), which the court denied (#25).

On September 28, 2011, the court dismissed plaintiff's complaint (#27), with leave to file an amended complaint with respect to plaintiff's third claim only. Plaintiff filed his amended complaint on October 20, 2011. (#29). Thereafter, defendant filed its motion to dismiss the amended complaint (#31) and motion to stay discovery (#32). Defendant asserts that dismissal of the amended complaint is warranted (#29), because plaintiff merely re-alleges his claims from the first complaint, and fails to cure the deficiencies with regards to his third claim. (#32). Thus, defendant asks this court to continue the discovery stay until the resolution of the motion to dismiss (#31). The discovery stay issued by the court in its previous order (#17) is still in effect. The present motion is therefore moot.

1 Accordingly, and for good cause shown,

2 IT IS ORDERED defendant's Motion To Stay Discovery Pending Resolution of Motion To
3 Dismiss Amended Complaint (#32) is DENIED as moot. The discovery stay currently in place shall
4 continue pending further order of the court.

5 DATED this 15th day of November, 2011.

6 

7
8 **CAM FERENBACH**
9 **UNITED STATES MAGISTRATE JUDGE**